

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
OFFICE OF THE CLERK**

Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157

Elisabeth A. Shumaker
Clerk of Court

September 18, 2009

Douglas E. Cressler
Chief Deputy Clerk

Ms. A. Diane Hammons
Office of the Attorney General For Cherokee Nation
P.O. Box 948
Tahlequah, OK 74465-0948

RE: 09-5134, State of Oklahoma v. Tyson Foods, Inc., et al
District docket: 4:05-CV-00329-GKF-PJC

Dear Counsel:

This appeal was docketed today. Copies of the Tenth Circuit Rules, effective January 1, 2009, and the Federal Rules of Appellate Procedure, effective December 1, 2007, may be obtained by contacting this office or by visiting our website at <http://www.ca10.uscourts.gov>. You may also obtain a copy of the rules by calling this office. Effective March 18, 2009, counsel must also comply with the court's new General Order, which requires all counsel to file pleadings via the court's Electronic Case Filing system (ECF). You may find the order and information on registering for and using ECF on the court's website. We invite you to contact us with any questions you may have about our operating procedures. Please note that all court forms are now available on the court's web site. Outlined below are some of the requirements for prosecuting this appeal.

Attorneys must complete and file an entry of appearance form within ten days of the date of this letter. *See* 10th Cir. R. 46.1(A). Appellant's failure to enter an appearance may cause the appeal to be dismissed. An appellee who fails to enter an appearance may not receive notice or service of orders.

Although attorneys who file a notice of appeal have technically entered an appearance, and may not withdraw without the court's permission, counsel must still file a separate entry of appearance form. Generally, the court will not allow counsel to withdraw until the docketing statement is filed and necessary transcripts are ordered.

You are required to file a docketing statement within 10 days of filing the notice of appeal. If you have not yet filed that pleading, you should do so within 10 days of the date of this letter. Please note that under local rule 3.4(C), the appellant is not limited to the issues identified in his docketing statement and may raise other appropriate issues in

the opening brief. In addition to the docketing statement, all transcripts must be ordered within 10 days of the date of this letter. If no transcript is necessary, you must file a statement to that effect.

Appellant is not required to file a designation of record, but will be required to file an appendix with appellant's opening brief. *See* 10th Cir. R. 10.2(A) and 30.1.

Appellant must file an opening brief and appendix within 40 days after the date on which the district clerk notifies the parties and the circuit clerk that the record is complete for purposes of appeal. *See* 10th Cir. R. 31.1(A)(1). Motions for extension of time to file briefs and appendices must comply with 10th Cir. R. 27.3, 27.4(B), 27.4(E), where applicable, and 27.4(F). These motions are not favored.

Briefs must satisfy all requirements of the Federal Rules of Appellate Procedure and Tenth Circuit Rules with respect to form and content. *See* specifically Fed. R. App. P. 28 and 32 and 10th Cir. R. 28.1, 28.2 and 32.1, as well as 31.4 when applicable. Seven copies of briefs must be provided to the court within two days of filing via the court's Electronic Case Filing system. *See* 10th Cir. R. 31.5 and the Court's General Order of March 18, 2009. Appendixes must satisfy the requirements of 10th Cir. R. 30.1(A) and 30.1(C) and 2 copies must be filed. *See* 10th Cir. R. 30.1(D).

Please contact this office if you have questions.

Sincerely,



Elisabeth A. Shumaker
Clerk of the Court

cc: Frederick C. Baker
Sherry P. Bartley
Woody Bassett
Robert M. Blakemore
Michael R. Bond
Vicki Bronson
Louis W. Bullock
L. Bryan Burns
Delmar R. Ehrich
John R. Elrod
Fidelma L. Fitzpatrick
Kelly H. Foster
Bruce W. Freeman
D. Richard Funk

cc: Richard T. Garren
Dorothy Sharon Gentry
Robert W George
James Martin Graves
Thomas C. Green
Theresa Noble Hill
Philip D. Hixon
Mark D. Hopson
Stephen Lee Jantzen
Mathew P. Jasinski
Bruce Gregory Jones
Tim Jones
Jay T. Jorgensen
Krisann C. Kleibacker Lee
Joseph P. Lennart
Nicole Marie Longwell
Archer Scott McDaniel
Ingrid L. Moll
Robert A. Nance
William H. Narwold
Jonathan D. Orent
George W. Owens
David Phillip Page
Robert Paul Redemann
Melvin David Riggs
Randall E. Rose
Michael G. Rousseau
Patrick M. Ryan
Robert Sanders
Gordon D. Todd
John H. Tucker
KC Dupps Tucker
Sharon K. Weaver
Gary Vincent Weeks
Edwin Stephen Williams
P. Joshua Wisley
Elizabeth Claire Xidis

EAS/ao